



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, UT 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
[www.ut.blm.gov/saltlake\\_fo](http://www.ut.blm.gov/saltlake_fo)



IN REPLY REFER TO:  
3600 (UTW011)

SEP 25 2012

RECEIVED  
SEP 26 2012  
DIV. OF OIL, GAS & MINING

Certified Mail Number – 7011 1150 0001 4372 4883  
Return Receipt Requested

Gary Burningham  
95 North 200 East  
American Fork, Utah 84003

Dear Mr. Burningham:

On March 19, 2012, The Bureau of Land Management (BLM), Salt Lake Field Office (SLFO) received your initial application to purchase 3,000 tons of common clay shale for testing purposes located in Section 23, T. 8 S., R. 5 W., in the Vernon Hills, Tooele County, Utah. The BLM received additional information from you regarding your application on April 27, 2012, and June 13, 2012.

The SLFO has reviewed your submittal and determined that the area covered by your application is within priority habitat for Greater Sage-Grouse. This area has been identified by the BLM in coordination with the Utah Division of Wildlife Resources as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations. Therefore, in an effort to prevent habitat loss, habitat fragmentation, and adverse impacts to Greater Sage-Grouse populations, the SLFO has decided not to process your application for a mineral material sale in this area at this time.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3601.80, this decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at the Bureau of Land Management, Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT 84119. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,

2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

If you have any questions, or require additional information, please feel free to contact Stephen Allen of my staff at (801) 977-4360.

Sincerely,



Jill C. Silvey  
Salt Lake Field Manager

Enclosures:

Form 1842-1

cc: Jerry North, 2983 West 8025 South, West Jordan, UT 84088

UDOGM, Leslie Heppler, 1594 West No. Temple, Ste. 1210# Box 145801, SLC, UT 84114-5801

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

*DO NOT APPEAL UNLESS*

1. This decision is adverse to you,  
*AND*
2. You believe it is incorrect

*IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED*

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- 1. NOTICE OF APPEAL.....** Within 30 days after the date of publication of a decision in the FEDERAL REGISTER, a person not served with a decision must transmit a Notice of Appeal to the office where it is required to be filed. You may state your reasons why you are appealing, if you desire.
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- 2. WHERE TO FILE**  
**NOTICE OF APPEAL.....** U.S. Department of Interior, Bureau of Land Management, Utah State Office  
440 West 200 South, Suite 500, Salt Lake City, Utah, 84101
- WITH COPY TO SOLICITOR...** Regional Solicitor, Salt Lake City Intermountain Region, U.S. Department of Interior  
125 S. State St., Room 6201, Salt Lake City, Utah, 84131
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- 3. STATEMENT OF REASONS...** Within 30 days after filing the *Notice of Appeal*, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.
- WITH COPY TO SOLICITOR...** Regional Solicitor, Salt Lake City Intermountain Region, U.S. Department of Interior  
125 S. State St., Room 6201, Salt Lake City, Utah, 84131
- 
- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
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- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see CFR Sec. 4.401(c)(2)).
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- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed (see 43 CFR 4.21). If you wish to file a petition pursuant to 43 CFR 4.21 or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR Sec. 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the likelihood of the appellant's success on the merits, (2) the likelihood of immediate and irreparable harm if the stay is not granted, (3) the relative harm to the parties if the stay is granted or denied, and (4) whether the public interest favors granting the stay.
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Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (see 43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

(continued on next page)

#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 *Where are BLM offices located?* (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State--Alaska  
Arizona State Office--Arizona  
California State Office--California  
Colorado State Office--Colorado  
Eastern States Office--Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River  
Idaho State Office--Idaho  
Montana State Office--Montana, North Dakota and South Dakota  
Nevada State Office--Nevada  
New Mexico State Office--Kansas, New Mexico, Oklahoma and Texas  
Oregon State Office--Oregon and Washington  
Utah State Office--Utah  
Wyoming State Office--Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

Sec. 1821.11 *During what hours may I file an application?* You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday, excluding Federal holidays, at least from 9 a.m. to 3 p.m., local time.

Sec. 1821.12 *Are these the only regulations that will apply to my application or other required document?* No. These general regulations are supplemented by specific program regulations. You should consult the regulations applying to the specific program.

Sec. 1821.13 *What if the specific program regulations conflict with these regulations?* If there is a conflict, the specific program regulations will govern and the conflicting portion of these regulations will not apply.

#### 43 CFR SUBPART 1822--FILING A DOCUMENT WITH BLM

Sec. 1822.10 *How should my name appear on applications and other required documents that I submit to BLM?* Your legal name and current address should appear on your application and other required documents.

Sec. 1822.11 *What must I do to make an official filing with BLM?* You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through

personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under Sec. 1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

Sec. 1822.12 *Where do I file my application or other required documents?*

You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

Sec. 1822.13 *May I file electronically?* For certain types of applications, BLM will accept your electronic filing if an original signature is not required. If BLM requires your signature, you must file your application or document by delivery or by mailing. If you have any questions regarding which types of applications can be electronically filed, you should check with the BLM office where you intend to file your application. When you file an application electronically, it will not be considered filed until BLM receives it.

Sec. 1822.14 *What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?* BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

Sec. 1822.15 *If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?* BLM may consider it timely filed if: (a) The law does not prohibit BLM from doing so; (b) No other BLM regulation prohibits doing so; and (c) No intervening third party interests or rights have been created or established during the intervening period.

Sec. 1822.16 *Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?* You may file your application with any BLM State Office having jurisdiction over the subject lands. You should consult the regulations of the particular BLM resource program involved for more specific information.

Sec. 1822.17 *When are documents considered filed simultaneously?*

(a) BLM considers two or more documents simultaneously filed when: (1) They are received at the appropriate BLM office on the same day and time; or (2) They are filed in conjunction with an order that specifies that documents received by the appropriate office during a specified period of time will be considered as simultaneously filed.

(b) An application or document that arrives at the BLM office where it is to be filed when the office is closed for the entire day will be considered as filed on the day and hour the office next officially opens.

(c) Nothing in this provision will deny any preference right granted by applicable law or regulation or validate a document which is invalid under applicable law or regulation.

Sec. 1822.18 *How does BLM decide in which order to accept documents that are simultaneously filed?* BLM makes this decision by a drawing open to the public.